

Notice of Allowability

Application No.

10/811,077

Examiner

Freda A. Nelson

Applicant(s)

ETZIONI ET AL.

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/15/05 and 10/21/05.
2. ☒ The allowed claim(s) is/are 1-16 and 68-83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/21/05.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Amendment

The amendments received on August 15, 2005 and October 21, 2005 are acknowledged and entered. Claims 17-67 have been canceled. Claims 68-83 have been added. Claims 1-16 and 68-83 are currently pending.

Drawings

The formal drawings were received on 09/09/04. These drawings are acceptable.

Claim rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

Claim rejection under 35 USC § 101 have been withdrawn in view of Precedential Decision by the Board of Patent Appeals and Interferences in case Ex parte Carl A. Lundgren (Appeal No. 2003-2088).

Allowable Subject Matter

Claims 1-16 and 68-83 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1 and 68, the prior art of record, specifically Phillips et al. (US PG Pub. 2002/0120492) and Reece (US PG. Pub. 2003/0061179) do not disclose or fairly teach:

predicting future prices that will be offered for the identified airline

Art Unit: 3639

flights by the unrelated airline ticket providers for those flights, the predicting based at least in part on the determining pricing factors for those airline flights;

for each of the identified airline flights, predicting a time at which an airline ticket for the identified airline flight will be available for a lowest price, based at least in part on the predicted future offered prices and the current offered prices; and

using the predicted times to advise the customer related to a current purchase of one or more airline tickets.

The NPL prior art of record, specifically, Rivalwatch.com, while disclosing a competitive merchandising platform providing a spectrum of advanced, competitive and market analysis capabilities fails to disclose or fairly teach:

predicting future prices that will be offered for the identified airline flights by the unrelated airline ticket providers for those flights, the predicting based at least in part on the determining pricing factors for those airline flights;

for each of the identified airline flights, predicting a time at which an airline ticket for the identified airline flight will be available for a lowest price, based at least in part on the predicted future offered prices and the current offered prices; and

using the predicted times to advise the customer related to a current purchase of one or more airline tickets.

Art Unit: 3639

The foreign prior art of record, specifically, EP 1148433, while disclosing a method and apparatus for the composition and sale of travel-oriented packages, fails to disclose or fairly teach:

predicting future prices that will be offered for the identified airline flights by the unrelated airline ticket providers for those flights, the predicting based at least in part on the determining pricing factors for those airline flights;

for each of the identified airline flights, predicting a time at which an airline ticket for the identified airline flight will be available for a lowest price, based at least in part on the predicted future offered prices and the current offered prices; and

using the predicted times to advise the customer related to a current purchase of one or more airline tickets.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3639

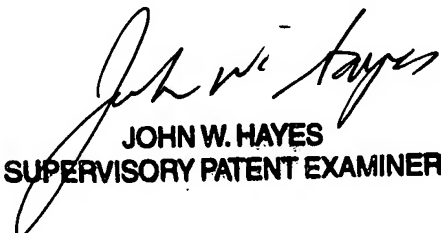
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 10/25/2005



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER